

APPEAL NO. 032220
FILED OCTOBER 7, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 29 and July 10, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) reached maximum medical improvement (MMI) on June 14, 2002, with a zero percent impairment rating (IR) as reported by the designated doctor chosen by the Texas Workers' Compensation Commission (Commission), and that the claimant did not have disability from June 15 through December 17, 2002. The claimant appeals, contending that the hearing officer's decision is against the great weight of the evidence. No response was received from the respondent (carrier).

DECISION

Affirmed.

For a claim for workers' compensation benefits based on a compensable injury that occurs on or after June 17, 2001, Sections 408.122(c) and 408.125(c) provide that the report of the designated doctor has presumptive weight, and the Commission shall base its determination of MMI and IR on that report unless the great weight of the other medical evidence is to the contrary.

The parties stipulated that the claimant sustained a compensable injury on _____. The designated doctor reported that the claimant reached MMI on June 14, 2002, with a zero percent IR. The treating doctor reported that the claimant reached MMI on December 17, 2002, with a five percent IR. The hearing officer found that the great weight of the medical evidence is not contrary to the findings of the designated doctor, and concluded that the claimant reached MMI on June 14, 2002, with a zero percent IR. With regard to the disability issue, the hearing officer found that the claimant's inability to obtain and retain employment at wages equivalent to her preinjury wage from June 15 through December 17, 2002, was not because of the claimant's compensable injury, and concluded that the claimant did not have disability, as defined by Section 401.011(16), from June 15 through December 17, 2002. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's determinations on the disputed issues are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**COMPANY
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge